

**AFFIDAVIT**

- 1) **AFFIANT/AGENT.** I, Kevin Backes, a Border Patrol Agent of the United States Border Patrol, Customs and Border Protection (USBP/CBP), have been employed by the USBP/CBP for 22 years and am currently assigned to the Grand Forks Border Patrol Sector Prosecution Unit.

Your affiant has reason to believe that RODRIGUEZ-Perez, Brayan Josue (DOB: XX/XX/1996), illegally reentered the United States after being removed in violation of 8 U.S.C. § 1326(a).

- 2) **INITIAL ENCOUNTER.** On April 30, 2025, at approximately 3:30 PM, Border Patrol Agent (BPA) Ramsey was contacted by Grand Forks Sector Dispatch because a Killdeer, North Dakota Police Department officer was requesting assistance. BPA Ramsey contacted Officer Rogers who relayed he had encountered one subject during a traffic stop for speeding on Highway 200 in Killdeer, North Dakota. The driver had stated to Officer Rogers that he did not possess a driver's license because he was in the United States illegally. The driver had provided a Honduran passport as identification to the officer. The passport identified the driver as RODRIGUEZ-Perez, Brayan Josue.

BPA Ramsey conducted record checks that indicated RODRIGUEZ had been previously removed from the United States. No records could be found to indicate RODRIGUEZ had any current immigration documents allowing him to reside, pass through, or remain in the United States legally.

BPA Ramsey requested to speak with RODRIGUEZ. Upon speaking with RODRIGUEZ, BPA Ramsey identified himself as a United States Border Patrol Agent and conducted an immigration inspection in the Spanish language. RODRIGUEZ stated that he was a citizen and national of Honduras and that he had no documents allowing him to be in the United States.

Based on the results of the record checks and immigration inspection, BPA Ramsey requested that Officer Rogers detain the subject at the Southwest Multi-County Correction Center in Dickinson, North Dakota until he could be taken into Border Patrol custody. On April 30, 2025, at approximately 9:00 PM, BPA Ruiz arrived at the Southwest Multi-County Correction Center, placed the subject into Border Patrol custody and transported him to the Portal Border Patrol Station for processing.

- 3) **POST ARREST INVESTIGATION.** Upon arriving at the Portal Border Patrol Station, RODRIGUEZ was enrolled into NGI/IDENT, a computerized fingerprint identification system. The NGI/IDENT results returned with an immigration history showing that the subject had been removed two (2) times and had a criminal arrest history.

RODRIGUEZ is a citizen and national of Honduras.

**4) IMMIGRATION HISTORY:**

Date: 11/02/2017  
Agency: U.S. Border Patrol - Three Points, Arizona  
Charge: Section 212(a)(7)(A)(i)(I) of the INA - Immigrant Without an Immigrant Visa  
Disposition: Expedited Removal. Ordered removed on 11/03/2017. Removed to Honduras on 11/15/2017, via Phoenix, AZ.

Date: 10/06/2018  
Agency: U.S. Border Patrol - Hebbronville, Texas  
Charge: Section 212(a)(9)(A)(ii) of the INA - Alien Previously Removed  
Disposition: Reinstatement of Removal. Removed to Honduras on 10/16/2018, via the Valley International Airport Harlingen, Texas.

**5) CRIMINAL HISTORY:**

Date: 06/25/2022  
Agency: Kewaunee County Sheriff's Office - Kewaunee, Wisconsin  
Charge 1: Operating While under the Influence  
Charge 2: Operating While Suspended  
Charge 3: Exceeding the Speed Limit  
Disposition: Charge 1 dismissed. Convicted on Charges 2 and 3, fined.

**6) MIRANDA RIGHTS/CONSULAR NOTIFICATION.** On May 1, 2025, BPA Labatore witnessed by BPA Kluczek notified RODRIGUEZ of his Miranda Rights per Service Form I-214. RODRIGUEZ signed the Service Form I-214 indicating he understood his rights. RODRIGUEZ was not willing to answer questions without an attorney present.

BPA Labatore notified RODRIGUEZ of his right to consular communication. RODRIGUEZ requested to speak with a consular official. Attempts to contact the Honduran Consulate resulted with automated messages stating the office was closed during non-business hours.

No record could be found to indicate that RODRIGUEZ has ever applied for or been granted permission to reenter the United States by the Attorney General or by his successor, the Secretary of the Department of Homeland Security.

In my experience, the above facts constitute a violation of 8 U.S.C. § 1326(a).

The foregoing is true and correct to the best of my knowledge and belief.



---

Kevin Backes  
United States Border Patrol Agent

Sworn to me by reliable electronic means, this 1st day of May, 2025.

A handwritten signature in blue ink, reading "Alice R. Senechal", is written over a horizontal line.

Alice R. Senechal  
United States Magistrate Judge